IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1977 OF 2006

Mr. A.B. Shetty and Ors. .....Petitioners.
vs.
The Assitant Registrar .....Respondents.

Shri Appasaheb S. Desai i/by. V.M. Joshi
for the petitioners.

Shri D.A. Patil, AGP
for respondent nos.1, 6,7 and 9.

Shri Abhyankar i/by. M/s. Ramesh Makhija &b Co.
for respondent nos. 4 and 5.

CORAM: S.B. MHASE, J.

DATED: 2ND MAY, 2006.

P.C. :

1. Heard learned counsel for both the sides.

2. This is a petition filed by the

members of the Managing Committee of the New Shalimar Co-operative Housing Society Limited, 91 Marine Drive, Mumbai-42 challenging the order passed under Section 78 of the Maharashtra Co-operative Societies Act. An action has been taken against them since the model bye-laws have not been adopted by the said society. At this stage this court refrains to enter into the merits of the matter since it is reported to this court that the order passed by the Assistant Registrar, Co-operative Societies and the Divisional Joint Registrar have been challenged by filing a revision before the respondent no.7 namely the Minister for Co-operation. In view of the revision application the interim application has been submitted on 9.3.2006. However since then, no orders have been passed by the concerned minister on that application. The learned Government pleader is unable to explain the difficulties of the Hon’ble Minister for not passing the orders. Infact when the application is tendered the Minister was under obligation to

consider that application. In these circumstances, a statement is made by the learned counsel for the state that the concerned Minister for Co-operation will dispose off the Revision Application within a period of six weeks and in the meanwhile the petitioners will be allowed to function as Managing Committee members of the said society. The charge which has been taken over by the Registrar will be handed over to the Managing Committee. In view of this the respondent no.7 is hereby directed to dispose off the Revision petition filed by the petitioner within a period of six weeks. In the meanwhile as per the statement of A.G.P. the administrator shall hand over the charge of the society to the Managing Committee namely to the petitioners.

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